



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
(See Issuing Division below)  
PERMIT\*



The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 0506-03-0063.1 FHA-030001 (Stream Encroachment) 0506-03-0063.1 FWW-030001 (FWGP10B)	Application No. 0506-03-0063.1 FWW-030002 (FWGP11)
--	---

Issuance Date <b>JAN 30 2004</b>	Effective Date <b>JAN 30 2004</b>	Expiration Date <b>JAN 30 2005</b>
-------------------------------------	--------------------------------------	---------------------------------------

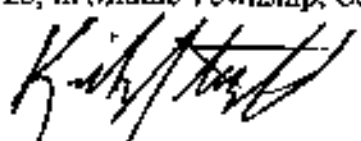
Name and Address of Applicant NJDOT c/o Bruce Riegel, P.E. Division of Project Management Trenton, New Jersey 08360	Name and Address of Owner	Name and Address of Operator
---	---------------------------	------------------------------

Location of Activity/Facility (Street Address) Blocks: 99.02, 125, 126 Lots: 41, 8.01, 10.01 Twp.: Middle County: Cape May	Issuing Division Land Use Regulation Program	Statute(s) NJSA 19:9B-1 NJSA 13:1D-1 NJSA 58:10A-1 NJSA 58:16A-50, et. seq.
--	---	---

Type of Permit: Stream Encroachment Freshwater Wetlands	Maximum Approved Capacity, if applicable
--	---

This permit grants permission to:

construct three stormwater discharge points and a retaining wall in the floodplain of Holmes Creek in connection with the widening of Route 9, within Lot Nos. 41, 8.01 & 10.01, Block Nos. 99.02, 125 & 126, in Middle Township, Cape May County, New Jersey.

Prepared By:   
Keith Stampfel, P.E.

(See page 6 for Manager's signature.)

Revised Date	Approved by the Department of Environmental Protection Name (Print or Type) _____ Title _____ Signature _____ Title _____
--------------	---

0506-03-0063.1

STREAM ENCROACHMENT PERMIT NO. 0506-03-0063.1 FHA-030001  
FRESHWATER WETLANDS GENERAL PERMIT NO. 10B 0506-03-0063.1 FWW-030001  
FRESHWATER WETLANDS GENERAL PERMIT NO. 11 0506-03-0063.1 FWW-030002  
TERMS AND CONDITIONS:

This permit is subject to the following terms and conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

STREAM ENCROACHMENT PERMIT NO. 0506-03-0063.1 FHA-030001  
FRESHWATER WETLANDS GENERAL PERMIT NO. 10B 0506-03-0063.1 FWW-030001  
FRESHWATER WETLANDS GENERAL PERMIT NO. 11 0506-03-0063.1 FWW-030002  
TERMS AND CONDITIONS:

IN ADDITION TO THE GENERAL CONDITIONS PRINTED ON THE BACK OF PAGE ONE OF THIS PERMIT, THE FOLLOWING CONDITIONS SHALL ALSO APPLY:

9. Limit and Extent of Approval

- a. This approval grants permission to the applicant and/or its agents to undertake an activity regulated by the State of New Jersey as described by the text of this permit and as detailed by the herein approved plans. Any construction, grading, removal of vegetation, or other activity at this site within or affecting a regulated flood plain, other than specifically approved by this permit or as detailed by the approved drawings, shall require additional approvals from the Department. The commencement of such regulated activities without the appropriate approvals shall be in violation of State law.
- b. All activities authorized by this permit shall be completed within five years of the issuance date as listed on the first page of this document. At that time, this approval, if not previously revoked, shall automatically become null and void, and none of the activities referenced herein may commence or continue until a new approval has been granted by the Department.

10. Method of Construction

- a. All activities approved by this permit shall be performed under the supervision and direction of a Professional Engineer licensed in the State of New Jersey, and shall be undertaken using the best management practices available. Furthermore, the site shall be subject to inspection at any time by representatives of the Department to ensure the continuous application of the provisions of this permit.
- b. During the course of construction, neither the applicant nor its agents shall cause or permit any unreasonable interference with the free flow of the stream by placing or dumping any materials, equipment, debris or structures within or adjacent to the stream corridor. Upon completion or abandonment of the work, the applicant and/or its agents shall remove and dispose of in a lawful manner all excess materials, equipment and debris from the stream corridor and adjacent lands.
- c. All activities authorized by this permit shall be stabilized in accordance with Standards for Soil Erosion and Sediment Control in New Jersey (obtainable from local Soil Conservation District Offices), or equal engineering specifications, to prevent eroded soil and sediment from entering adjacent waterways and wetlands at any time during and subsequent to construction. The Department reserves the right to order the suspension of any activity if unacceptable levels of erosion or turbidity result from the same. Furthermore, the applicant shall maintain the stream corridor as shown on the approved drawing/s for either such time as is required for the channel and/or banks to become reasonably stabilized, or for one year after completion of the project (as evidenced by a Certificate of Completion), whichever period of time is longer.

STREAM ENCROACHMENT PERMIT NO. 0506-03-0063.I FHA-030001  
 FRESHWATER WETLANDS GENERAL PERMIT NO. 10B 0506-03-0063.I FWW-030001  
 FRESHWATER WETLANDS GENERAL PERMIT NO. 11 0506-03-0063.I FWW-030002  
**TERMS AND CONDITIONS:**

# 11. Responsibilities of Applicant

- a. The granting of this permit does not in any way relieve the applicant and/or its agents from the responsibility for damages caused by any construction or activities hereby approved, nor does the Department accept responsibility for any structural designs.
- b. No construction authorized by this permit may begin until the enclosed permit acceptance form has been signed by the applicant and is returned to the Department. By signing and submitting this form, the applicant accepts this permit in its entirety and agrees to adhere to all of its terms and conditions. Please be advised that this permit may be declared null and void should it be determined that adequate measures had not been taken by the applicant and/or its agents to ensure the continuous implementation of these terms and conditions.
- c. Within ten (10) days of the receipt of this permit by the applicant, this permit shall be recorded in its entirety in the office of the County Clerk or the Registrar of Deeds and Mortgages for each county where this permit is located. Verified notice of this action shall be forwarded to the Department immediately thereafter.
- d. The enclosed construction notice shall be completed by the applicant or its agent and submitted to the Department at least fourteen (14) days prior to the commencement of the herein approved activities.
- e. The enclosed completion report shall be completed by a Professional Engineer licensed in the State of New Jersey and submitted to the Department within thirty (30) days after completion of the herein approved activities.

# 12. Consistency with Areawide Water Quality Management Plan

This project has not been reviewed for consistency with the relevant Water Quality Management Plan or the Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15). As such, there is no intended or implied approval regarding additional permits which may be required from the Department. For treatment works approvals, the consistency determination will be performed by the Bureau of Engineering and Permitting (North/South) which may be reached at (609) 292-6894 for North (Middlesex, Hunterdon and counties north) or (609) 633-1169 for South (Mercer, Monmouth and counties south). For general information concerning water quality management planning process, please contact the Office of Environmental Planning at (609) 633-1179.

13. In order to protect warm water fisheries within Holmes Creek, proposed grading or construction activities within the banks of this or any other stream on-site are prohibited between March 15th through June 30<sup>th</sup> of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this water course which could introduce sediment into said stream or which could introduce sediment into said stream or which would cause an increase in the natural level of turbidity is prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the permittee has not taken proper precautions to ensure compliance with this condition.

STREAM ENCROACHMENT PERMIT NO. 0506-03-0063.1 FHA-030001  
 FRESHWATER WETLANDS GENERAL PERMIT NO. 10B 0506-03-0063.1 FWW-030001  
 FRESHWATER WETLANDS GENERAL PERMIT NO. 11 0506-03-0063.1 FWW-030002  
 TERMS AND CONDITIONS:

14. All disturbed areas should be planted with a mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses. The use of these mixtures will permanently stabilize the soil and enhance the environment.
15. Prior to construction activities, the permittee must receive authorization from the Cape May County Soil Conservation District.
16. In-stream sediment filter bags shall remain in place until all in-water work is finished. These barriers shall be removed once work is complete.
17. No raw concrete shall come into contact with the waters of Holmes Creek. Any grout/concrete that comes in contact with the water must be removed immediately. No pumped water from grout/concrete operations may be discharged directly to the stream corridor. All pumped water shall be discharged to a holding tank and disposed of properly.
18. This permit authorizes the total maximum disturbance of 0.098 acres of freshwater wetlands for Freshwater Wetlands General Permit Nos. 10B and 11. The Freshwater Wetlands Statewide General Permit No. 10B authorizes the roadway improvements. This will result in a maximum disturbance of 0.049 acres of freshwater wetlands. The Freshwater Wetlands Statewide General Permit No. 11 authorizes the construction of one (1) stormwater outfall which will result in a maximum disturbance of 0.049 acres of freshwater wetlands. The authorization of activities under these Freshwater Wetlands Statewide General Permits include a transition area which has been determined by the Department to be necessary to accomplish the authorized activities. In addition, these permits to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.
19. All substrate removed for construction activities, must be stockpiled outside freshwater wetlands, transition areas and State open waters. The replaced native substrate must be placed to meet existing stream bottom invert and cross-channel profile as found immediately upstream and downstream of the crossing.
20. The proposed rip-rap bed shall be embedded in the stream bed and be concave in shape as to concentrate low water flows.
21. The drawings hereby approved are six (6) sheets prepared by A-TECH Engineering, Inc., dated July 2003, unrevised, unless otherwise noted and entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION, ROUTE US 9 AND CREST HAVEN ROAD (C.R. 609), TOWNSHIP OF MIDDLE, COUNTY OF CAPE MAY",

"WETLANDS DELINEATION PLAN", sheet Nos. 1 & 2 of 2,

"CONSTRUCTION DETAILS", sheet not numbered or dated.

STREAM ENCROACHMENT PERMIT NO. 0506-03-0063.1 FHA-030001

FRESHWATER WETLANDS GENERAL PERMIT NO. 10B 0506-03-0063.1 FWW-030001

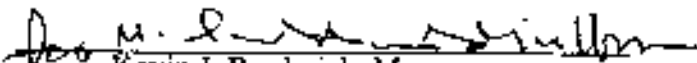
FRESHWATER WETLANDS GENERAL PERMIT NO. 11 0506-03-0063.1 FWW-030002

TERMS AND CONDITIONS:

"WALL 1 CONTROL PLAN", sheet No. 77 of 79, sheet not dated,

"WALL 2 CONTROL PLAN", sheet No. 77 of 79, sheet not dated,

"CONSTRUCTION DETAILS", sheet not numbered or dated.

  
Kevin J. Broderick, Manager,  
Bureau of Coastal Regulation

1/30/04  
Date